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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KRISP-PAK SALES CORP.,

Case No.: 08CIV5322 (PAC)

Plaintiff,

-against-

**ORDER FOR PRELIMINARY
INJUNCTION**

ALEX PRODUCE CORP. and ALEX BONILLA,

Defendants.

Plaintiff in the above-captioned matter, having brought its motion for a Temporary Restraining Order and Preliminary Injunction by Order to Show Cause, dated June 11, 2008, and plaintiff having appeared by its counsel, Howard Rosenberg, Esq. of Kreinces & Rosenberg, P.C., and the defendants, ALEX PRODUCE CORP. and ALEX BONILLA, having no objection to the entry of this Order, it is

ORDERED, that defendants, ALEX PRODUCE and ALEX BONILLA, their agents, officers, assigns, banking institutions and attorneys and all persons in active concert and participation with them be and they hereby are

(i) restrained from violating the provisions of the Perishable Agricultural Commodities Act 7 U.S.C. §499a et seq. (hereinafter 'PACA') and the regulations promulgated thereunder; and

(ii) restrained from, in any way, directly or indirectly, in whole or in part,

absolutely or as security, paying, withdrawing, transferring, assigning or selling any and all existing PACA trust assets ~~and/or otherwise disposing of company or personal assets to any creditors, persons or entities~~ until further order of this Court or until the defendants pay the plaintiffs the sum of \$87,566.90 plus interest, costs, and attorneys fees, and

(iii) ordered that if the defendants fail to pay plaintiff in full within three (3) business days from the date of service of this order on the defendants, the defendants must account to this Court and counsel for the plaintiff for the following items generated in defendants business, to wit: any and all perishable agricultural commodities, inventories of food or other products derived from such perishable agricultural commodities, and any and all receivables or proceeds from such commodities and food or other products, which in any way have been distributed or disposed of, directly or indirectly, in whole or in part, absolutely or as security on or after August 24, 2006 with a description of the property involved, the recipient, the date and the purpose of the distribution; and

(iv) ordered that if the defendants fail to pay plaintiff in full within three (3) business days from the date of service of this order on the defendants, the defendants must account to this Court and counsel for the plaintiff for all assets in defendants' ownership, possession, custody and/or control, or in the possession, custody and/or control of entities controlled by defendants, including the date of acquisition and whether or not such assets or any interest therein derived from the proceeds of the sale of perishable agricultural commodities by Alex Produce, and, if not, the source of such assets; and

(v) ordered to restore to the PACA trust any PACA trust assets derived directly or indirectly from Alex Produce Corp.'s operations and received or transferred by them on or after June 11, 2008 which are lawfully obtainable by Alex Produce; and

(vi) ordered to segregate and escrow all proceeds from the sale of perishable agricultural commodities in a trust account to be designated "Alex Produce PACA Escrow Account"

with plaintiff's counsel, Kreinces & Rosenberg, P.C., as escrow agent, depositing therein all cash assets of the PACA trust, no withdrawals to be made therefrom pending further order of this Court; and

(vii) ordered that if the defendants fail to pay plaintiff in full within three (3) business days from the date of service of this order on the defendants, the defendants must deliver to plaintiff's counsel a complete list of all accounts receivable of Alex Bonilla, generated by its perishable agricultural commodities business, with those receivables being collected by defendants' or plaintiff's counsel and deposited in the "Alex Bonilla PACA Escrow Account," and it is further

ORDERED, that this Order will be binding upon the parties to this action, their officers, agents, servants, employees, banks, or attorneys and all other persons or entities who receive actual notice of this Order, and it is further

ORDERED, that the plaintiff shall not be required to post a bond hereunder.

Dated: New York, New York
June 18, 2008



PAUL A. CROTTY, U.S.D.J.